

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DERRICK GIBSON,)
Plaintiff,) 2:16cv0392
v.) Electronic Filing
MARY FLEMMING, Nurse; ROBERT)
FLEMMING, Lieutenant; THOMAS)
ARMSTRONG, Captain / Hearing)
Examiner; SHAUN IREY, Lieutenant;)
CARL WALKER, Captain; DARRYL)
BEVERIDGE, Corrections Officer 1, and)
ROBERT HAWKINBERRY, Captain,)
Defendants.)

ORDER

AND NOW, this 24th day of February, 2020, after *de novo* review and in accordance with the Memorandum issued on this date, it is **ORDERED** as follows:

1. Defendants' motion for summary judgment be, and the same hereby is,

GRANTED in its entirety and summary judgment is entered in favor of all Defendants; and

2. Plaintiff's motion for summary judgment be, and the same hereby is, **DENIED**.

The Report and Recommendation as augmented in the Memorandum is adopted as the opinion of the court. Final Judgment will be entered in favor of defendants and against plaintiff and the Clerk of Court will be directed to mark the case closed.

AND IT FURTHER IS ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff is hereby notified that he has thirty (30) days to file a notice of

appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

s/David Stewart Cercane
David Stewart Cercane
Senior United States District Judge

cc: The Honorable Cynthia Reed Eddy
Chief United States Magistrate Judge

J. Eric Barchiesi, Esquire
Timothy Mazzocca, Esquire

(*Via CM/ECF Electronic Mail*)

DERRICK GIBSON
JP 2190
SCI Mahanoy
301 Morea Road
Frackville, PA 17932

(via U.S. First Class Mail)